



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 31, 1992

EX PARTE OR LATE FILED

RECEIVED

MAR 31 1992

ORIGINAL
FILE /

EX PARTE OR LATE FILED

Federal Communications Commission
Office of the Secretary

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554

Re: Engineering and Technology Docket No. 92-9

Dear Donna:

Pursuant to Section 1.1206 of the Commission's Rules, 47 CFR Section 1.1206 (1991), the Commission is notified hereby that on March 31, 1992:

Terry Haines, Chief of Staff;
Robert Pepper, Chief, Office of Plans and Policy; and
Bruce Franca, Deputy Chief Engineer;

met with the individuals named on the attached list, all of whom are representatives of existing licensees of the 1850--1990 megahertz band ("the 2 GHz band"), to discuss the above-referenced docket. Brian Fontes of Commissioner Quello's professional staff, observers from the Offices of General Counsel and Legislative Affairs, and representatives of Senators Danforth, Gorton, and Pressler also attended the meeting.

The discussion hosted by the Commission's staff was the second in a series of meetings with existing users of the 2 GHz band and other interested parties. The meeting focussed on the Commission's proposals to create a spectrum reserve for emerging technologies in the 2 GHz band, and solicited the views of the invited individuals on ways that the Commission and the incumbent users could work cooperatively to resolve the issues presented by the authorization of new technologies in the 2 GHz band.

The parties responded with a variety of questions about the Commission's proposals and suggestions for ways for the Commission to address the issues presented in this docket. The Utilities Telecommunications Council presented the Commission's staff with the attached "Recommended FCC Action Plan for Accommodating New Technologies", which served as a principal focus for the discussion.

No. of Copies rec'd _____
List A B C D E _____

This statement is being filed so that it will be unnecessary for the invited parties to file individual notices of ex parte presentations under the Commission's Rules. Please call me if you have any questions about this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry L. Haines", with a stylized flourish at the end.

Terry L. Haines
Chief of Staff

Attachments (2)

cc: The Chairman
and Commissioners
Meeting participants

EMERGING TECHNOLOGIES MEETING

MARCH 31, 1992

2 PM - FCC MEETING ROOM

Vicki Schaff (Union Electric)

+ Charles Bremer (Senior Vice-President Union Electric)

Mike Stewart (Puget Power)

+ Bruce Donaldson (Senior Staff Engineer of Communications,
Puget Power)

Jeff Sheldon (Counsel, Utilities Telecom. Council [UTC])

+ Mike Meehan (Executive Director, UTC)

+ John Ng (Telecommunications Manager, Pepco)

+ Walker Nolan (Senior Vice-President, Edison Electric)



ELECTRIC • GAS • WATER • STEAM
(202) 872-0030
FAX (202) 872-1331
Direct Dial

3/24/92

RECOMMENDED FCC ACTION PLAN FOR ACCOMMODATING NEW TECHNOLOGIES

Because of the significant number of industrial users and government agencies which depend on the 1850-2200 MHz band due to its high reliability, the FCC should look to other bands for a "Spectrum Reserve." For example, the FCC should look at relocating ITFS/MMDS from the 2500-2690 MHz band to other microwave bands, such as the 4 GHz common carrier band or the unoccupied 12 GHz DBS band, which is already earmarked for direct-to-home video programming, and thereby make the 2500-2690 MHz band the Spectrum Reserve. However, if the 1850-2200 MHz band is ultimately selected for reallocation as a Spectrum Reserve, at a minimum, the FCC should take the following actions:

1. Defer action in the "Spectrum Reserve" docket (ET Doc. No. 92-9), pending completion of separate rulemaking dockets to:
 - A. Open the 1710-1850 MHz federal government microwave band for use by private microwave licensees.
 - B. Rechannelize the common carrier 4, 6 & 11 GHz microwave bands to accommodate private microwave systems (e.g., narrower channel bandwidths and reduced loading requirements).
2. In the "Spectrum Reserve" docket, the FCC should:
 - A. Modify the "freeze" on 2 GHz microwave applications by resuming grant, on a primary basis, of reasonable system modifications and expansions.
 - B. Provide for indefinite co-primary status for all existing 2 GHz microwave systems and permit reasonable system modifications and expansions.
 - C. Permit voluntary negotiations between licensed microwave users and new service providers concerning reimbursement of relocation costs.

- D. To the extent there is concern over the feasibility of voluntary negotiations, provide for an involuntary relocation program, to commence 10 years from now, based on the MMDS/ITFS relocation plan adopted in GEN Doc. 90-54:
- (1) A new user may request involuntary modification of an existing user's license to specify operation on different frequencies;
 - (2) The new user is responsible for all relocation costs, and must set up an escrow account or buy a performance bond to guarantee relocation costs;
 - (3) The proposed system must provide equal or better reliability than existing system;
 - (4) Existing user has opportunity to oppose the relocation proposal; and
 - (5) If the new facilities prove to be unsatisfactory in practice, the user must be relocated back to its original facilities at the new user's expense.
- E. Make clear that new services in these bands will not be authorized on an unlicensed basis or on any other basis where existing users would be unable to secure reimbursement for relocation.